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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

MICHAEL D. LOCKWOOD and ALGONQUIN
CAPITAL MANAGEMENT, LLC, a Connecticut
Limited Liability Company,

Plaintiffs,

vs.

JOSEPH MACEDA,

Defendant.

Case No. 07-cv-07524 (HB)

**NOTICE OF CROSS-
MOTION**

PLEASE TAKE NOTICE, that upon (i) the accompanying Certification of JOSEPH MACEDA; (ii) Defendant MACEDA's Statement of Material Facts pursuant to Local Rule 56.1; (iii) the accompanying Memorandum of Law; and (iv) all other papers and proceedings filed and had herein, Defendant JOSEPH MACEDA will Cross-Move this Court, before the Honorable Harold Baer, Jr., United States District Judge, at the Daniel Patrick Moynihan Courthouse, Courtroom 23B, 500 Pearl Street, NY, NY 10007, for an Order, pursuant to Fed. R. Civ. P. 56, granting summary judgment in favor of Defendant dismissing this action, and for such other and further relief as this Court deems just and proper.

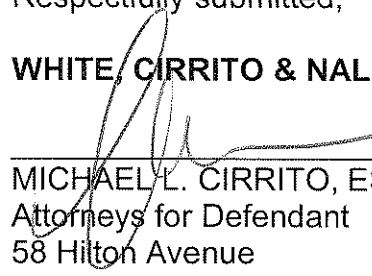
PLEASE TAKE FURTHER NOTICE, that Plaintiff must serve its answering papers, if any, within 10 business days of the service hereof, pursuant to Rule 6.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

DATED: February , 2007

Respectfully submitted,

WHITE, CIRRITO & NALLY, LLP

By:



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